UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS ZELAYA, et al., Plaintiffs, - against - MADISON SQUARE GARDEN, L.P., et al., Defendants.	Docket No. 08-CV-2933 (LMM) (AJP) **DECLARATION OF TERRENCE SMITH IN SUPPORT OF PLAINTIFF'S MOTION TO FILE AND SERVE A SECOND AMENDED COMPLAINT** **ECF CASE**

Terrence Smith declares under penalty of perjury under the laws of the United States of America that the following is true and correct:

1.   I am an attorney admitted to practice before this Court. I am a lawyer with the firm of Davis Saperstein & Salomon, P.C., attorneys for plaintiff Carlos Zelaya. I am fully familiar with the facts set forth herein.

2.   I submit this Declaration in support of Plaintiff's motion to file and serve a Second Amended Complaint substituting Carlos Zelaya, Administrator Ad Prosequendum of the Estate of Ruth Zelaya in place of Ruth Zelaya, and adding a cause of action for survivorship on behalf of the Estate of Ruth Zelaya.

3.   Ruth Zelaya died on March 24, 2010; I have attached a true copy of her death certificate as Exhibit 1.

4.   The Hudson County, New Jersey Surrogate appointing Carlos Zelaya as the Administrator Ad Prosequendum of the Estate of Ruth Zelaya on I have attached a true copy of the Letter Testamentary of as Exhibit 2.
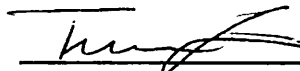
5.   I have attached a proposed form of Second amended Complaint substituting Carlos Zelaya, Administrator Ad Prosequendum of the Estate of Ruth Zelaya in place of ruth Zelaya, and to add a cause of action for survivorship on behalf of the Estate of Ruth Zelaya as Exhibit 3.

6.   I have attached a true copy fo the Court's letter of May ,2010 instructing Plaintiff to submit a motion to file and serve a Second amended Complaint as Exhibit 4.

Dated: Teaneck, New Jersey

June 15, 2010

                                  DAVIS, SAPERSTEIN & SALOMON, P.C.

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